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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,331	11/12/2003	Amir Lehr	206,342	1996
39933 7590 01/12/2007 POWERDSINE LTD. C/O LANDONIP, INC 1700 DIAGONAL ROAD, SUITE 450 ALEXANDRIA, VA 22314-2866			EXAMINER DU, THUAN N	
			ART UNIT 2116	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	
3 MONTHS			01/12/2007	
			DELIVERY MODE PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/712,331

Applicant(s)

LEHR ET AL.

Examiner

Thuan N. Du

Art Unit

2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 118-139 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 118-139 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 12/29/03, 5/12/04, 8/2/04, 4/18/05, 6/26/05, 7/31/05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. It is hereby acknowledged that the following papers have been received and placed of record in the file: Preliminary Amendments (dated 11/12/03, 6/28/04 and 1/29/06) and IDSs (dated 12/29/03, 5/12/04, 8/2/04, 4/18/05, 6/26/05 and 7/31/05).
2. Claims 1-117 have been cancelled. Claims 118-139 are added. Claims 118-139 are presented for examination.

### *Double Patenting*

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claim 118 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,473,608. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been

Art Unit: 2116

obvious to one of ordinary skill in the art to recognize that the determining whether the node's characteristic allow it to receive power over the communication cabling disclosed by the patent equivalent to the monitoring the power consumption of, or the current flow to, each of the nodes as claimed.

***Claim Rejections - 35 USC § 102***

5. The word “*operable*” recited in the claims is interpreted that the claims may or may not perform the followed steps or functions. It does not actually operate to perform the steps or functions.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 118-139 are rejected under 35 U.S.C. 102(e) as being anticipated by Cole et al. [Cole], U.S. Patent No. 6,348,874 (submitted by applicant).

8. Regarding claims 118 and 126, Cole teaches a local area network comprising:

a LAN switch [col. 3, lines 19-21];

a plurality of local area network nodes (nodes 20) [Figs. 1-4];

a power supply subsystem (power supply 16) [Fig. 3] comprising current sensor (current limiting circuit) [col. 3, lines 60];

a power management and control unit (voltage regulator 14, microprocessor 22, switching circuit 18) [Figs. 2,4]; and

communication cabling (30-34) connecting said plurality of nodes to said power supply subsystem and to said LAN switch [Figs. 1-4], said communication cabling providing data communication between said LAN switch and said plurality of local area network nodes [col. 2, lines 16-21];

said power supply subsystem being operable under control of said power management and control unit to:

provide at least some power via the communication cabling to said plurality of local area network nodes [col. 2, lines 21-23; col. 3, lines 26-31, 45-49, 56-59]; and

monitor via said current sensor the current flow to each of said plurality of local area network nodes [col. 3, lines 60-63].

9. Regarding claims 119 and 120, Cole teaches a management workstation (other elements of the system which the power management and control unit reported to) in communication (via path 26) with said power management and control unit [Fig. 4; col. 4, lines 4-7].

10. Regarding claim 121, Cole teaches that the power management and control unit is further operable to report for each local area network node of said plurality of local area network nodes a status of at least one of said local area network node and said communication cabling, to said management workstation [col. 4, lines 4-7].

11. Regarding claims 122 and 124, Cole teaches that the power management and control unit classifies a condition of each of local area network nodes as being in one of over current, under current and normal condition [col. 3, line 64 to col. 4, line 4].

Art Unit: 2116

12. Regarding claims 123 and 125, Cole teaches that a management workstation in communication with said power management and control unit, said power management and control unit reporting said classification of each of said plurality of local area network nodes to said management workstation [col. 4, lines 4-7].
13. Regarding claim 127, Cole teaches that the management and control unit is operable to communicate, via said LAN switch, with said at least one of plurality of local area network nodes, operating being as a result of said communication [Fig. 4].
14. Regarding claim 128, Cole teaches that the power supply subsystem and the LAN switch are located within a single hub [Figs. 3, 4].
15. Regarding claim 129, Cole teaches that the communication cabling connects said LAN switch to said plurality of nodes via said power supply subsystem [Figs. 3, 4].
16. Regarding claims 130-139, they do not teach or further define over the limitations recited in the rejected claims above. Therefore, claims 130-139 are also anticipated by Cole for the same reasons set forth in the rejected claims above.

### *Conclusion*

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (571) 272-3673. The examiner can normally be reached on Monday-Friday: 9:30 AM - 6:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Perveen can be reached at (571) 272-3676.

Central TC telephone number is (571) 272-2100.

Art Unit: 2116

The fax number for the organization is (571) 273-8300.

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

TD  
January 6, 2007



**TUAN N. DU**  
**PRIMARY EXAMINER**